THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.21001 of 2007

Date 05-10-2007

Between:
M/s. Bonageri Cropscience Pvt. Ltd.

..... PETITIONER

AND

The Commissioner & Director of Agriculture, A.P., Gunfoundry, Hyderabad.

.....RESPONDENTS

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.21001 of 2007

ORDER:

Learned Government Pleader for Agriculture takes notice on behalf of the respondent.

2. The matter is coming up for Admission.

3. This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondent in interfering with the bio-product business of the petitioner and licensed dealers by issuing memo dated 26-06-2006 as illegal, arbitrary and without jurisdiction and consequently direct the respondent not to interfere in any manner with the manufacture, sale and distribution of the petitioner's Bio-products including the licensed premises situated at D.No.40-25-79, Patamata Lanka N.H.5, Vijayawada, Krishna District.

4. Several facts had been narrated in the affidavit filed in support of the writ petition. It is also brought to the notice of this Court that several writ petitions had been disposed of in similar matters with appropriate directions. Reliance was also placed on the decisions of this Court in W.P.No.8207 of 2006 & batch and also W.P.No.17508 of 2007 & batch. It is not in serious controversy that in similar cases, the writ petitions were disposed of with certain directions. It is also stated that these matters were not carried by way of Writ Appeals. This Court also disposed of W.P.Nos.19226, 19247, 19265, 19285 and 19286 of 2007 on 11.09.2007 and W.P.No.19551 of 2007 & batch on 14-09-2007 in the light of the views expressed by this Court in the aforesaid batch of writ petitions.

5. In view of the same, this writ petition is also disposed of with the following directions:-

(a) It shall be open to the petitioner to submit a sample of 5 kg. of each product dealt with by it, together with the corresponding literature, throwing light upon the manufacturing process as well as the contents thereof, to the respondent herein.

(b) Within four weeks from the date of submission of the samples and the literature by the petitioner, the respondent shall get the same analysed in a suitable laboratory and intimate the result of the analysis to the petitioner.

(c) In case, the analysis reveals that the products dealt with by the petitioner answer the description of the products mentioned in Schedule-III to the Control Order, the petitioner shall be entitled to deal with the products, only after obtaining licence under the Control Order. On the other hand, if the result is found otherwise, the petitioner shall not be subjected to the regime under the Control Order or the Act; and

(d) if the respondent fails to intimate the result of the analysis within four weeks from the date of submission of the samples and the literature, it shall be open to the petitioner to deal with the products, notwithstanding the impugned letter and the memo, as long as the products are not insecticides or chemicals.

6. However, the learned Government Pleader for Agriculture states that the expenses to be borne by the writ petitioner. It is needless to say that the learned Government Pleader for Agriculture is at liberty to move appropriate application in this regard.

7. The writ petition is disposed of accordingly. No order as to costs.

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05-10-2007

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